



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Ben E. Boatwright et al.

U.S. Patent Application No. 10/665,467

Filed: September 22, 2003

For: STITCHLESS ON-SITE BINDING APPLICATION METHOD AND DEVICE

:
:
: Confirmation No. 5520
:
: Group Art Unit: 1733
:
: Examiner: C.T. Schatz

DECLARATION UNDER 37 C.F.R. §1.132

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I, Ben Boatwright, being a citizen of the United States and residing at 3002 Arthur Drive, Murfreesboro, Tennessee, 37127, hereby declare as follows:

1. I am the President of Instabind LLC and co-inventor of INSTABIND®, a revolutionary product which is the subject of the instant patent application titled "Stitchless on-site binding application method and device," as identified above.

2. I am thoroughly familiar with the contents of the application and I understand the claims currently pending in the application.

3. I am in charge and/or have knowledge of manufacture and/or sales and/or marketing of the INSTABIND product which is the device claimed in the instant application and product used in the method claimed in the instant application for edging a material or binding a carpet on-site.

4. Since its introduction the INSTABIND product and method of installation has been

enthusiastically received by the Carpet Installing industry.

5. Attached as Exhibit A hereto are letters from recognized professional and skilled artisans in the trade of carpet installers extolling the virtues of the INSTABIND product and method.

6. The INSTABIND product and method of installation, which is an onsite stitch-less carpet binding method, was invented due to a long felt need in the industry to provide an alternative to carpet bindings sewn by hand or by machine, or otherwise requiring additional time for securing a safe and attractive finished binding to an otherwise unfinished section of installed carpet, carpeting, or other material desired to have a finished edge.

7. Prior to inventing INSTABIND, the industry had no method of installing a carpet binding on location other than a portable sewing machine or hand sewing. The method of choice prior to INSTABIND was to charge the client to transport the carpet to be finished with an edge back to the shop for sewing the carpet binding in a secure manner and charging the customer a linear foot charge for the sewn carpet binding and an additional trip charge for the time and travel accordingly. Customers would typically be charge in the range of \$3-5 per linear foot for such service.

8. Using hot melt adhesive to install carpet or material edge binding was never an option prior to INSTABIND because no product has been invented that combined a pre-fabricated and finished binding or welting designed for a carpet or material edge with a method for adhering same with a hot-melt adhesive on location in a neat and clean manner.

9. The invention of INSTABIND required the combination of a pre-made binding device designed specifically to accept a hot-melt adhesive in a limited application.

10. The INSTABIND method is inherently better than sewn binding methods because a sewn product is only as strong as its weakest thread. Once a thread breaks, the entire length of the thread can unravel. Conversely, the INSTABIND product and method requires a continuous bead of hot melt adhesive which is superior in longevity and without the fault of a possible broken thread.

11. The advantage of INSTABIND over sewn applications provide installers with the ability to bind and edge on-location for an inside corner which cannot be done by a sewing machine

and can only be performed by hand. The INSTABIND method makes inside corner and curved applications as easy as a straight-run and is therefore a huge time savings and money savings.

12. Since its inception INSTABIND has produced and sold approximately 1,000,000 linear feet of product worldwide. Each foot of INSTABIND product, which in finished form costs the consumer on average one dollar depending on the style, would have cost consumers three to five dollars per foot or about three to five million dollars. The invention of the instant application has saved consumers in the range of two to four million dollars not to mention the enormous time savings and inconvenience of second trip charges. The work time lost on second trip charges alone likely amounts to additional millions of dollars of time taken off of work to arrange home revisits for carpet installers.

13. With the invention of INSTABIND, carpet installers can carry a kit enabling the installer to readily install and affix finished carpet bindings or fix damaged carpet bindings on site for a great savings to the end-user customer.

14. The commercial success of INSTABIND is strongly believed to flow from the functions and advantages of the device and method, as described in the patent application, including, the combination of two adhesives, the first a double face adhesive for aligning the prefabricated edge or welting in place with the edge of the material of carpet to be finished in a uniform manner, and second, a hot-melt adhesive applied for the permanent bond. The product device and its design is also strongly believed to contribute to the commercial success of the INSTABIND inasmuch as prior to INSTABIND no pre-made carpet binding device existed where the welting or finished binding edge was attached to a fabric tape designed to temporarily adhere and line up with the bottom and edge of a carpet or material to be finished, so a hot-melt adhesive could be used to permanently bind the edge of the material or carpet with an edge-binding product in a quick and easy fashion.

15. The commercial success of INSTABIND is also evident by the fact that the product and technology has been licensed worldwide. In addition to licensing the product here in the United States, the product and method of installation is licensed and sold throughout Europe under the brand EASYBIND. Evidence of the world-wide acceptance of the INSTABIND and EASYBIND licensed product and method of the invention is attached hereto as Exhibit B.

16. The long felt need of the INSTABIND method and product is also evident by the fact the method and product enables the installation of a finished binding not only on carpet but practically any linear edge with a lip. The use of hot-melt thermoplastic adhesive makes the INSTABIND product and method well-suited for unique applications such as for upholstery, leather, vinyl and limitless other applications.

17. As evidence of the unique advantages of the INSTABIND product and method, the product has met with extraordinary commercial success as sold as binding with a rope. Never before was there a method for turning decorative rope into a quick and easy finished carpet binding. By use of the INSTABIND product and method, a multi-step process is designed to create a decorative rope binding edge which is pre-made and attached to a cotton tape designed with a double face adhesive and ability to position the rope in a uniform manner to the edge of a carpet or other material to be finished, and thereby attach same in a permanent fashion with the use of hot-melt thermoplastic adhesive. Rope finishes are well received by United States customers and even more successful in international markets.

18. The commercial success of INSTABIND is not the result of heavy promotion or advertising, or shift in advertising. The commercial success of INSTABIND and the method of the instant patent is a result of the great ease in which installers can offer a finished product with attended cost savings and time saving. The product and method has grown buy word of mouth as a reliable and innovative product and method. Industry experts all agree as evidence by the attached letters which represent a tip of the iceberg so to speak and can be supplemented.

19. On the basis of the above, the following conclusion is drawn: The INSTABIND device and stitch-less on location installation method is not obvious in view of the prior art which merely discloses the concept of using hot-melt adhesives in one form or another in connection with the carpet industry. The instant method and product is not obvious in view of clearly inferior products and methods which attempted to solve a problem that only the INSTABIND product and method solved.

20. I have reviewed the prior art and comments of the Patent Examiner with respect to prior art which is cited to support the conclusion that prior inventions used methods designed to "prevent water and dirt from accumulating between the binding material and the edge of the carpet."

Such inventions do not teach nor address the purpose of the instant invention which is designed to provide an on-site or on-location carpet binding method. First, the instant invention is not related at all to the prevention of water on or about a carpet or its binding, as such an application is counter-productive to the purpose of carpeting. The instant invention is designed by and large for custom indoor carpeting installations where the need to keep out water is a non-issue. Further the nature of carpet binding creating a crevice or fold where dirt may be trapped is also a non-issue with respect to the instant invention. The amount of crease of abutment along the edge of finished product adhered with an INSTABIND binding product and method, is directly proportionate to the size or selection of the welting material used, not the adhesive step or second step in adhering the product. A large welting on a small pile carpet will inevitably create a small barrier which indeed will collect dirt and for that matter water if presented. The instant invention would therefore teach away from preventing dirt and water accumulation. In fact, most every carpet binding edge treatment creates a natural lip or barrier which indeed would and could attract dirt. However, INSTABIND was not designed to prevent dirt build-up and ordinary cleaning and vacuuming remedies the problem of dirt buildup. The advantage and long felt need for INSTABIND allows carpet installers to attach carpet and material edge bindings of different heights, different substance, (i.e., rope welts) easily and quickly without extra time and attended costs. The invention does not keep water or dirt out of the binding abutment region, notwithstanding the adhesive used may take up a void for a portion of the abutment. The advantages of cited prior art teach away from what the INSTABIND product does to the extent the INSTABIND product is designed and installed with a method for attaching edges of different heights, most often slightly higher than the carpet or material to be edged, thereby actually creating a natural barrier and dirt entrapment zone. The INSTABIND method advantages outweigh the disadvantage of dirt accumulation and addresses a completely different long-felt need and has achieved commercial success in view of its unique advantages.

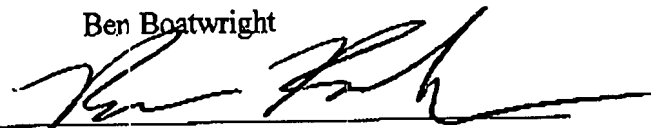
21. I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of United States Code and that such willful false statement may jeopardize the validity of the application or any patents issuing thereon.

Serial No. 10/665,467

Att. Docket No. 0671/08

Further deponent saith not.

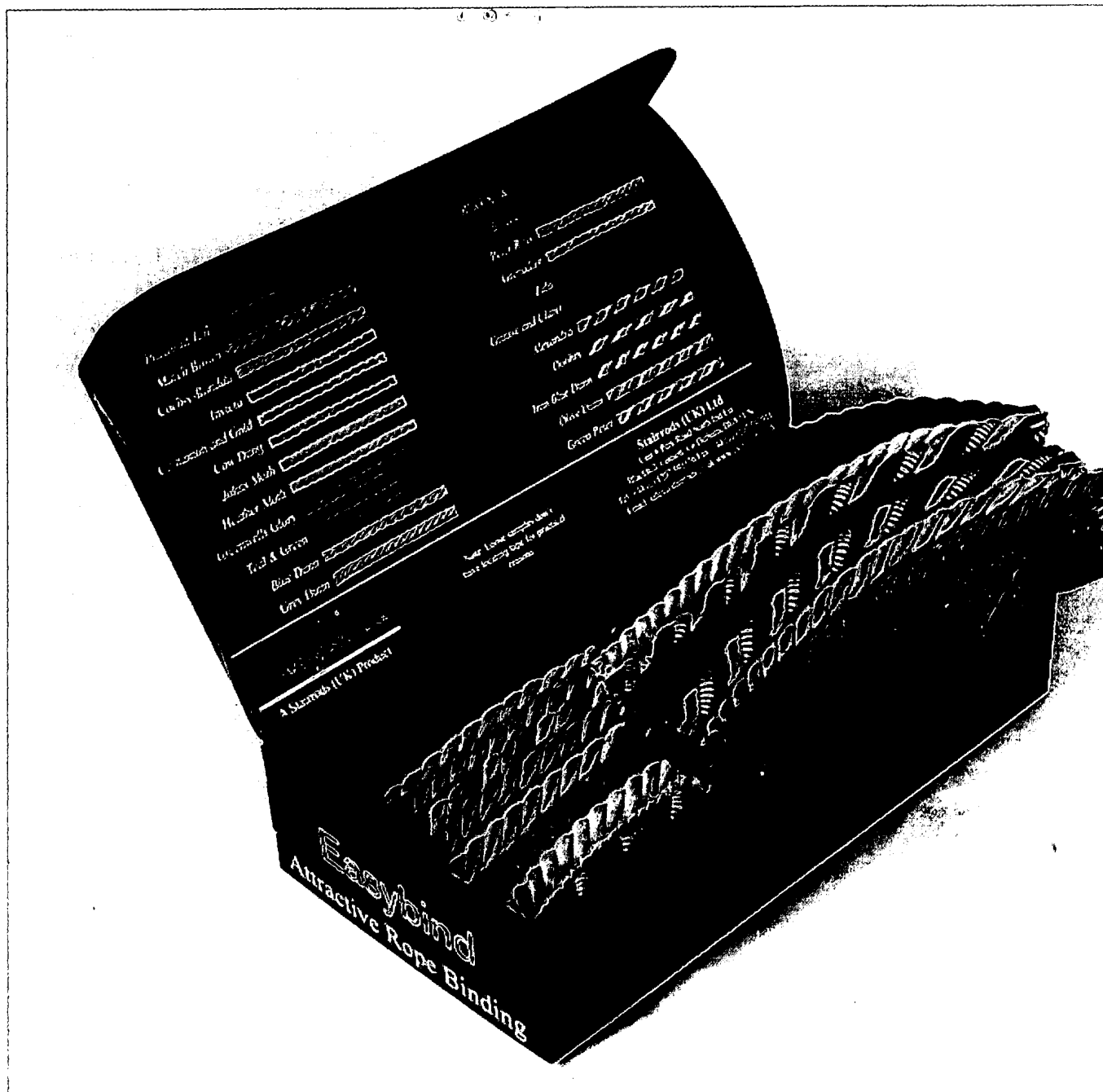
Ben Boatwright

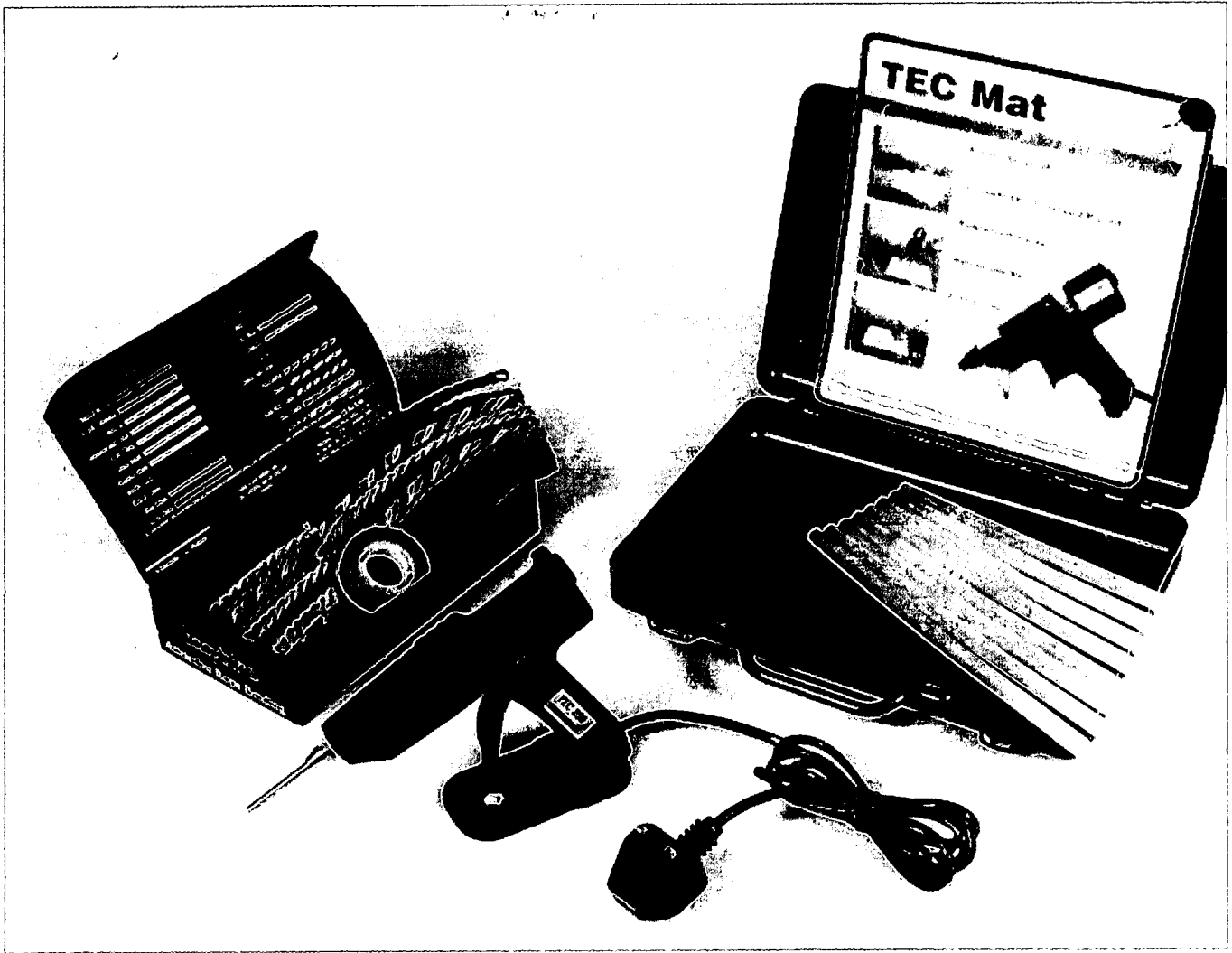
A handwritten signature in black ink, appearing to read 'Ben Boatwright', written over a horizontal line.

Signature

6-18-07

Date







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INSTABIND

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World's first provider of instant carpet binding without costly sewing machines!

Introducing a new idea in binding. Our product (patent pending) allows anyone to install binding on any carpet with the greatest of ease.

What is Instabind?

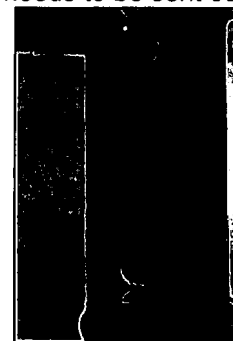
Instabind is a revolutionary idea, invented by two CFI Certified installers who recognized a problem and sought a solution. Instabind streamlines the normally tedious process of binding carpet edges. This unique invention requires minimal effort to apply a beautiful finished edge to any piece of carpet.

Who can use Instabind?

Homeowners, installers, carpet dealers, retailers and all tradesmen alike. In fact, the procedure is so simple that any carpet scrap becomes a keeper!

Facts

Binding is a great way to finish the edges of carpet and is necessary to prevent premature breaking down of the edge. Normally, carpet needs to be sent out



skilled craftsman with expensive machinery have this service done. This requires substantial time and usually costs quite a bit of money.

Instabind can be applied on site, with a variety of styles. Not only will Instabind beautify an unfinished edge, but prevent it from unraveling or fraying for the life of your carpet - guaranteed.

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Model EW-610 Carpet Shearer/Bevelor

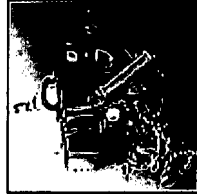
Model EW-610
Carpet Fine Cut
Shearer/Bevelor
with Speed
Control.



Price: \$305.00
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Double Puller Portable Carpet Binder

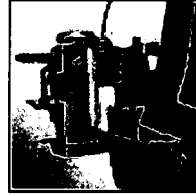
Portable
Binder with
double puller
wheels and
four casters.



Price: \$2,645.00
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Apply wide
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7-1/2 inches
wide with our
Model PBL-
TX



Price: \$2,395.00
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Six Blade Portable Carpet Cove Cutter

All new
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Model #HDB "Super" Heavy Duty Binder

Heavy Duty
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single puller binder

Bond Model TMB-1 Double Puller Binder & Fringer

Table model
zigzag

statement. Made from 100% pure heavy silk, it is available in a choice of five complementing colours Cream 10, Apricot 32, Horizon 62, Green 72 and Yellow 82.

NF/11

Stairrods (UK)

September 2006



Easybind attracts the crowds at Harrogate An invention from the USA called Easybind, demonstrated by two larger-than-life Americans called Ben and Kelly, proved to be one of the hottest visitor attractions of the National Floor Show this year. At time visitors were three deep watching the guys binding carpet with attractive rope trim in just seconds. Some fitters even had a go themselves - just to prove how easy it really was.

SR34e

Craven Dunnill

August 2006

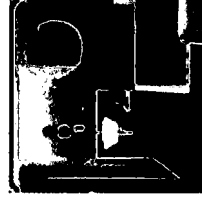


Craven Dunnill endorses its new home credentials Craven Dunnill's growing reputation for its work with developers and builders in the new home sector has been recognised by the TTA in its 2006 annual awards. Craven Dunnill, as a supplier to the developer Crosby homes, won the award, "Best Use of Tile in a Housing Development" for the Singleton Hall development of 21 spacious and luxurious apartment in Lancashire.

CD/29i

Craven Dunnill

October 2006



A dramatic new look to tiles The new Stonehenge range of stone-look floor and wall tiles, justlaunched by Craven Dunnill, is set to turn heads with its dramatic colour options including black, purple and green. the range also features a new irregular

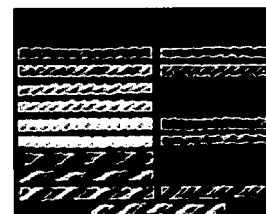

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About Easybind carpet edging

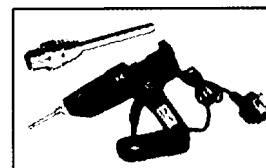


There is now a revolutionary new way to finish your carpet. Easybind is an attractive rope edging which is applied using a hot glue gun. The only tools needed to apply it are a sharp pair of scissors and a roll of sellotape.

Easybind is available in 23 different colours. You can choose any design of carpet, in any width, from any manufacturer and have it turned into attractive runners, rugs or runners, elegantly finished with Easybind, with no unsightly whipping in the corners.



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To see fitting videos and instructions, [click here](#) to go to the manufacturer's website.

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"Glue Gun, Nozzle & Glue Stick"

All you need to fit Easybind is a hot glue gun and a glue stick.

This glue gun is ideal for applying Easybind. It features a specialised long nozzle, which is useful for getting the glue in the right place.

This price includes a glue gun, a supply of glue sticks and a specialised long nozzle and delivery.

Length: £45.00 (£38.00)

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Select your Easybind

STEP 1 > Select colour

STEP 2 > Select length

Please note: Colours may vary subtly from those below, due to differing display settings. If you wish to see the actual colour, order a sample by [contacting us](#)



Heather Moth

£56.10

Usually despatched within **5 working days**

Length: 15 metres £56.10 (£47.74)



Johns Moth

£56.10

Usually despatched within **5 working days**

Length: 15 metres £56.10 (£47.74)



Cow Dung

£56.10

Usually despatched within **5 working days**

Length: 15 metres £56.10 (£47.74)

Cinnamon & Gold

£56.10

Usually despatched within **5 working days**



Length: 15 metres £56.10 (£47.74)

Invicta

£56

Usually despatched within **5 working days**



Length: 15 metres £56.10 (£47.74)

Coch-Y-Bonddu

£56

Usually despatched within **5 working days**



Length: 15 metres £56.10 (£47.74)

March Brown

£56

Usually despatched within **5 working days**



Length: 15 metres £56.10 (£47.74)

Pheasant Tail

£56

Usually despatched within **5 working days**

Length: 15 metres £56.10 (£47.74



Grenadier

£56.10

Usually despatched within **5 working days**



Length: 15 metres £56.10 (£47.74

Peter Ross

£56.10

Usually despatched within **5 working days**



Length: 15 metres £56.10 (£47.74

Zulu

£56.10

Usually despatched within **5 working days**



Length: 15 metres £56.10 (£47.74

LIGHT

Usually despatched within **5 working days**

Length: 91cm £10.45 (£8.89 +VAT) ■

Length: 15 metres £56.10 (£47.74)



Grey Dunn

£56.10

Usually despatched within **5 working days**

Length: 15 metres £56.10 (£47.74)



Butcher

£56.10

Usually despatched within **5 working days**

Length: 15 metres £56.10 (£47.74)



Black Spider

£56.10

Usually despatched within **5 working days**

Length: 15 metres £56.10 (£47.74)



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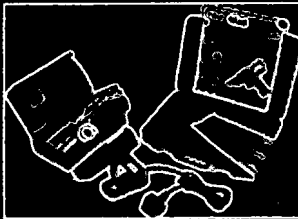
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Easybind Samples & Accessories

We have a range of items designed to assist in the display and application of Easybind. Click the images below for larger pictures.

Easybin

Attractive Carpet Binding



Containing:

- 1 Easybind glue gun
- ½ kilo of Easybind glue sticks
- 1 mat (to stand glue gun)
- 1 metal carrying case
- Easybind swatch box including instructional CD
- Easybind long nozzle for glue gun
- 23 short lengths of Easybind showing all 23 colours
- 'Try Me' 1m long lengths of Easybind
- sufficient length to bind a 34cm x 9cm carpet which can then be displayed on our Stairrods Flip Staircase for in-shop display.
- A small roll of Sellotape to make your first cut!

Containing:

- Instructional CD
- 23 lengths of Easybind
- 'Try Me' 1m long lengths of Easybind - sufficient length to bind a 34cm x 9cm carpet which can then be displayed on our Stairrods Flip Staircase for in-shop display.
- A small roll of Sellotape to make your first cut!

We can supply a glue gun, glue sticks and specialised long glue gun nozzle for use with Easybind.



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Easybind Benefits

Easybind means that carpet can be fitted on the first visit, there is no need for second appointment to install carpet. This saves travel and time costs for the fitter.

Easybin

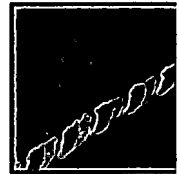
Attractive Carpet Binding

Easybind eliminates the need to have carpet whipped. It can be easily and quickly applied on-site, saving time and travel costs to and from the carpet whipper.

Another advantage Easybind has over carpet whipping is its appearance. Easybind has a beautiful pleated rope effect and is available in a range of colours and appearances that are simply not possible to attain by carpet whipping.

It is long lasting and tough, and is a beautiful option for any carpeting.

Easybind can be used on straight runs



Or for binding inside edges



Or outside edges



Equipment needed:
Hot glue gun
Sharp Scissors
Sellotape

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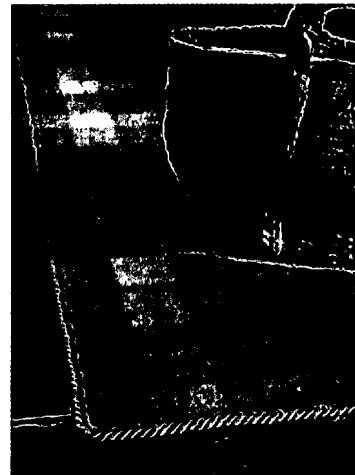
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Easybind from Stairrods (UK) Ltd

A new product called Easybind has just been launched, which means fitters can bind a carpet or runner on site, using an attractive rope trim, in just minutes. The product is unique in the UK and has been launched by Stairrods (UK). Easybind requires minimal expertise as the trim is simply glued onto the carpet or runner. It provides an attractive and fast alternative to whipping or binding, and there is a broad selection of 23 different trims in a variety of colours.

Stairrods (UK) Ltd

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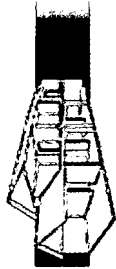
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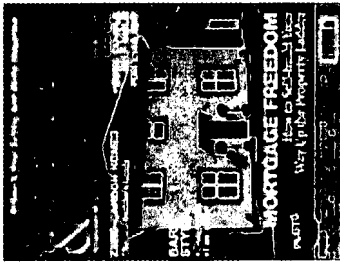
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- Stairrods (UK) Ltd



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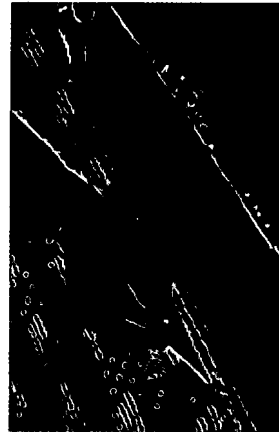
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INSTABIND

Installation Instructions



1. Prep carpet by trimming to provide clean, smooth edges.



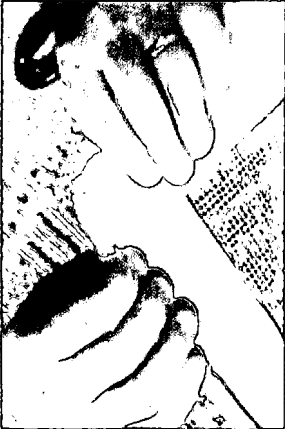
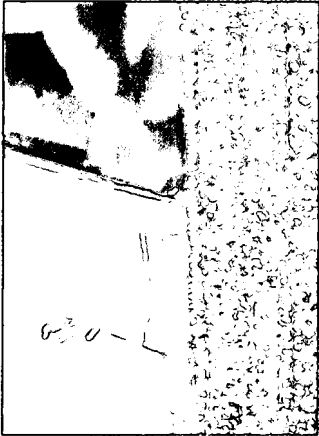


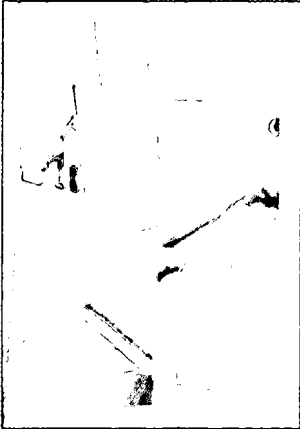
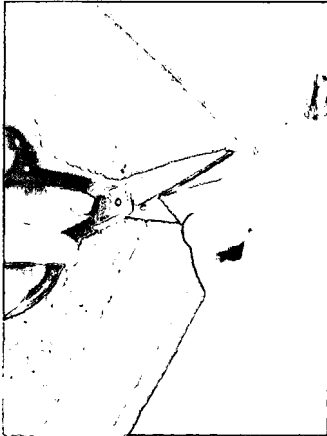


2. Start SERGE binding with a clean cut.

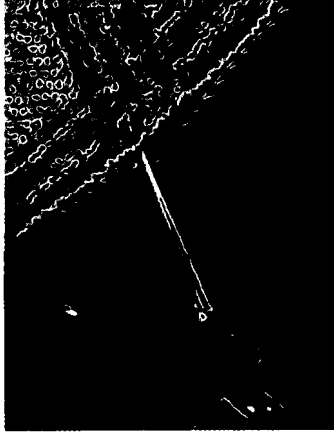


3. Pull back the release paper and begin by applying the INSTABIND in the middle of one cut edge.



4. Extend past the corner of carpet and, using the edge as a guide, snip the flat part of the INSTABIND.

 <p>5. Overlap the backing while rounding the corner. Continue around the carpet until you return to the beginning.</p>	 <p>6. Using the starting point as a guide, make the finishing cut with scissors, trimming any excess strings.</p>	 <p>7. Seal the beginning and ending points together by applying a bead of hot melt glue to connect.</p>	 <p>8. Seal the edges of the carpet INSTABIND by applying a bead of hot melt glue between the piping and the carpet. Hold in place a few seconds to let the glue set and continue the process.</p>
 <p>9. You can also use a piece of wood as a pressure guide behind the application of glue for a quick, easy bond.</p>	 <p>10. For a more attractive look on the back, turn the carpet over, peel one edge of the INSTABIND backing and trim at a 45° angle. Smooth the adhesive.</p>	 <p>11. ROPE BINDING: Wrap the end of the rope with a piece of clear tape to keep it from fraying.</p>	 <p>12. Cut through the middle of the clear tape to provide a clear starting point. Apply the INSTABIND as in previous instructions.</p>



13. To reunite the rope binding ends, apply a piece of clear tape at the point on the end piece where it will connect with the starting piece. Line the ends up to make the final cut. Seal the ends with hot melt glue and, once cool, remove the tape. Finish as in previous instructions.



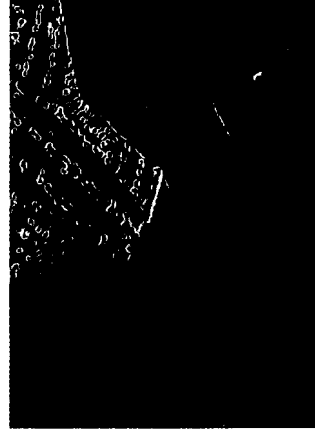
14. **REGULAR BINDING:** Start by peeling back the material to expose the white piping. Snip approx. 1/2" of piping.



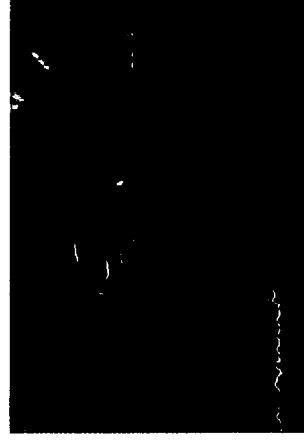
15. Fold the binding cover back into position, leaving a 1/2" hollow tube. Proceed as in above instructions.



16. To finish, line up the last with the void from the first



17. Insert the finish end into the hollow portion of the start end. Finish as in previous instructions.



18. Inside corners can be done with all three binding products.

AFCI*American Floor Covering Institute*

May 25, 2007

Ben Boatwright
Instabind LLC
3002 Arthur Drive
Murfreesboro TN, 37127

Ben,

As a member of the floor covering industry for over 40 years, I can attest to the fact that the originality of the Instabind product has made a difference for so many in the installation field.

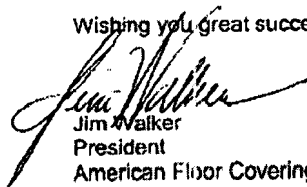
It is exciting to remember the "light" that went on in the minds of two young men. This appeared following many discussions with industry friends concerning the need for an addition to the "tools" that create a finished job for our customers.

Installation professionals had never been afforded this type of product even though the need was always there. Our customers can now receive a finished installation. It no longer requires weeks of waiting for the carpet to be bound and returned to the jobsite, leaving our customer in a state of disarray. For as long as I can remember, this has been a very unprofessional manner of doing business that was just taken for granted. That is, until your creativity surfaced and provided the industry with a product that truly makes a difference.

I have had the opportunity to demonstrate Instabind at numerous seminars and workshops in my capacity as the CEO of the International Certified Floorcovering Installers Association and as the Director of Training for Karastan, a division of Mohawk Carpet, the world's largest manufacturer. It is always enthusiastically received and generates sales of Instabind.

I congratulate you on the success of this innovative product and we look forward to seeing it displayed in every distributor's facility. It is another "tool" that adds to the pride that installers feel upon completion of a beautiful installation.

Wishing you great success.



Jim Walker
President
American Floor Covering Association

American Floor Covering Institute
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BOND PRODUCTS, INC.

May 24, 2007

Mr. Ben Boatwright
Instating LLC
3002 Arthur Drive
Murfreesboro, TN 37127

Dear Ben:

I began in the narrow fabrics industry in 1960, working as a stock clerk, salesman, manager and eventually president of Bond Narrow Fabric Co. from 1975 until my retirement in 2002. During this time I have watched the evolution of carpet binding methods and supplies, beginning with 1-1/4" cotton tape that required two expensive sewing machines for application.

In 1963 our company was first to manufacture the 3/4" "one-pass" type of binding tape. This method has survived in one or another form for over forty years. Recently you introduced another revolutionary type of binding, and a totally new method of application, that has the potential to make large inroads into the binding process. I have seen and tested your InstaBind product and I must say that I am impressed.

On a personal note, I was able to make a difficult binding repair in my travel trailer with InstaBind. In this application, the carpet was fastened in place and there was no room for a binding machine to operate in close proximity to a wall. The InstaBind glue gun method with the regular binding tape was a perfect solution. I heartily recommend it to anyone doing this type of repair!

I can envision a bright future for your new idea, and I wish you the best of success with it.

Sincerely,

Richard M. Milnes



INTERNATIONAL CERTIFIED FLOORCOVERING INSTALLERS ASSOCIATION, INC.
2400 East Truman Road Kansas City, MO 64127.2038
816.231.4646 Fax 816.231.4343

May 30, 2007

Ben Boatwright
Instabind LLC
3002 Arthur Drive
Murfreesboro TN, 37127

Ben,

Instabind has become known as THE product for installation professionals that enjoy leaving the customer with a finished product.

As Director of Technical Services for the International Certified Floorcovering Installers Association, I remember the numerous telephone calls received from installers in the field searching for a product of this type. Today, I can direct them to the purchase of Instabind.

It is easy to install and most of us in the field wonder why we did not "invent" this product. After being in this business for over 36 years without a product of this type, Instabind provides the finishing touch to our work.

It doesn't seem so long ago that you presented this idea at a group meeting and everyone was excited about something that we knew would revolutionize the installation industry. It definitely has done that.

As an organization, we have trained over 25,000 installers who had the opportunity to see the advantages of using the product. The use of Instabind can only grow stronger in the years ahead.

We commend you on your achievement and look forward to more useful ideas that benefit installers.

Best regards,

Edward L. Bralle
Director of Technical Services

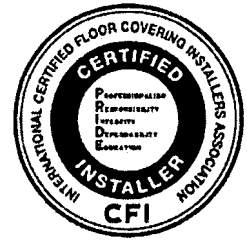
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Wednesday, May 23, 2007

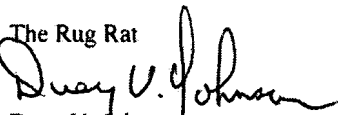
Instabind LLC
3002 Arthur Drive
Murfreesboro TN 37127

Att. Ben Boatwright

Ben,

I just wanted to let you how pleased that I am working with your product. As being the largest and only certified floor covering installation workroom in North Dakota we are constantly called upon to do binding and serging. As you know that one of the key features of your product is that we can finish area rugs right on site. There is no need to bring it all the way back to the workroom and have the customer pick it up days later. With the universal types of binding edges we can offer many different finished products that no one else can and with simplicity of installation any one of my technicians can complete the binding to a very professional appearance with complete customer satisfaction. In my 35 yrs. in the installation industry I prided myself on our integrity and using only quality products, your product has far exceeded my expectations.

My major supplier of floor covering supplies is now handling your product and with the availability of stock it is easier for shipping and I plan on using Instabind for many years to come.

The Rug Rat

Duey V. Johnson



Michael Hetts & Sons

Custom Installation of Fine Floorcoverings

~ 807 Azure Ct. ~ Cranberry Twp. PA 16088 ~
Phone & fax 724-772-0483 ~ Email oneskydiver@aol.com

To whom it may concern:

June 5, 2007

My son and I have used Instabind extensively in our installation business, since it was first introduced. I have written about the product and it's use in my column in Floor Covering Installer magazine, an national trade magazine at least twice. In my opinion this is one of the most innovative products to be introduced to our industry in the last thirty-seven years I have been involved in the trade. I know of no other product that provides the benefits and ease of use of Instabind.

Sincerely

Michael Hetts